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PATENT
Attorney Docket No. 00-107

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

ULRICH et al.

Application No. 09/637,843

Filed: August 10, 2000

For: **PRODUCTS COMPRISING CORN OIL AND CORN MEAL OBTAINED FROM HIGH OIL CORN**

*Pat. Unit
1761
Examiner
Unknown*

Art Unit: 1761

Examiner: Unknown

CI OCT-2 M 013

PETITION FOR RETROACTIVE FOREIGN FILING LICENSE

Commissioner of Patents and Trademarks
Washington, D.C. 20231

ATTN: LICENSING AND REVIEW

To the Commissioner:

To the extent that a foreign filing license is needed, the Applicants petition and request, pursuant to 37 C.F.R § 5.25, that a revised foreign filing license be granted for the above-referenced '843 application retroactive to August 10, 2000.

The above-referenced patent application, having Application No. 09/637,843 ("the '843 application") and filed August 10, 2000, is a continuation-in-part patent application based on a United States non-provisional patent application having Application No. 09/249,280 ("the '280 parent application"), filed February 11, 1999. A foreign filing license was granted in the '280 application on March 2, 1999. A foreign filing license with respect to the '843 application was granted on September 22, 2000.

Several international patent applications corresponding to and having the same title as the '843 application were filed. These applications were filed, as stated in the attached Declaration, because the Applicant believed, without deceptive intent, that the foreign filing license granted with respect to the '280 parent application would permit these foreign applications without requiring a separate foreign filing license.

10/03/2001 CWHITELA 00006501 09637843
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A PCT patent application, Application No. PCT/US00/22207, was filed on August 11, 2000 and a foreign filing license was granted with respect to the PCT application on August 22,

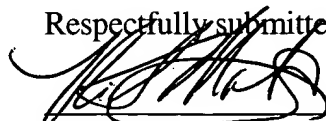
In re Appln. of Ulrich et al.
Application No. 09/637,843

2000. An Argentine patent application, P 00 01 044242, was filed August 16, 2000. A Bolivian patent application with the same title was filed August 14, 2000 and accorded Bolivian Application No. SP-161. A Chilean patent application with Serial No. 2191-2000, was filed August 16, 2000. An Egyptian patent application, Serial No. 6/2001, was filed January 3, 2001. A Malaysian patent application was filed on August 15, 2000 and accorded Serial No. PI 20003732. A Pakistan patent application was filed August 16, 2000, Serial No. 059719. A Paraguay patent application was filed on August 14, 2000 and accorded Serial No. 137/2000. A Philippines patent application, No. 1-2000-02211, was filed August 16, 2000. A Saudi Arabian patent application was filed on November 5, 2000 and given Serial No. 00210496. A Thailand patent application was filed on August 16, 2000 and accorded Serial No. 059719. A Taiwan patent application, Serial No. 89116546, was filed on August 16, 2000. A Uruguay patent application was filed August 16, 2000 and accorded Serial No. 26299. A Venezuela patent application, Application No. 2000-001795, was filed on August 16, 2000. A Peru patent application was filed on August 16, 2000 and accorded serial number 000844/2000.

Attached hereto is a Declaration in accordance with 37 C.F.R § 5.25(a)(3). Based on the statements made in the aforementioned declaration, it is clear that if it was an error to have not obtained a foreign filing license prior to effecting the above-identified foreign patent filings, such error was made without deceptive intent. This possible error, combined with the clear evidence that a foreign filing license was appropriate in this matter, should allow a foreign filing license, retroactive to August 10, 2000, to be granted to the extent that such a license is needed. The petition fee set forth under 37 C.F.R. § 1.17(h) accompanies this petition. A duplicate copy of this Petition is hereby attached.

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Respectfully submitted,

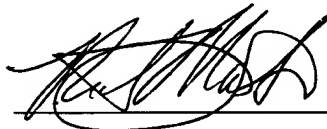

Rick Matos
Reg. No. 40,082
Agent for Applicant(s)
Email: innovarllc@mindspring.com

CERTIFICATE OF MAILING

I hereby certify that this PETITION FOR RETROACTIVE FOREIGN FILING LICENSE (along with any documents referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Attn: Licensing and Review, Washington, D.C. 20231.

Date: _____

9/25/01

A handwritten signature in black ink, appearing to be "A. M. S.", written over a horizontal line.

CERTIFICATE OF MAILING

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Date: _____

9/25/01

A handwritten signature in black ink, appearing to be "K. M. S.", written over a horizontal line.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

ULRICH et al.

Art Unit: 1761

Application No. 09/637,843

Examiner: Unknown

Filed: August 10, 2000

For: PRODUCTS COMPRISING CORN OIL AND CORN MEAL OBTAINED FROM
HIGH OIL CORN

DECLARATION UNDER 37 C.F.R. § 5.25(a)(3)

I, Donald J. Silvert, hereby declare as follows:

1. I am presently employed as the Associate General Counsel of Intellectual Property for Renessen LLC ("Renessen"). I am personally familiar with each of the patent applications, both within the United States and abroad, discussed within this declaration.

2. Renessen filed a United States patent application with Application No. 09/637,843, ("the '843 application") on August 10, 2000. A foreign filing license was granted for the '843 application on September 22, 2000.

3. The '843 application is a continuation-in-part application of a United States application with Application No. 09/249,280, filed February 11, 1999 ("the '280 parent application"). A foreign filing license was granted in the '280 application on March 2, 1999.

4. Several foreign patent applications corresponding to and having the same title and specification as the '843 application were filed. On August 11, 2000, an international patent application was filed pursuant to the Patent Cooperation Treaty and accorded an Application No. of PCT/US00/22207. A foreign filing license was granted thereto on August 22, 2000. An Argentine patent application, P 00 01 044242, was filed August 16, 2000. A Bolivian patent application with the same title was filed August 14, 2000 and accorded Bolivian Application No. SP-161. A Chilean patent application with Serial No. 2191-2000, was filed August 16, 2000.

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An Egyptian patent application, Serial No. 6/2001, was filed January 3, 2001. A Malaysian patent application was filed on August 15, 2000 and accorded Serial No. PI 20003732. A Pakistan patent application was filed August 16, 2000, Serial No. unknown. A Paraguay patent application was filed on August 14, 2000 and accorded Serial No. 137/2000. A Philippines patent application, No. 1-2000-02211, was filed August 16, 2000. A Saudi Arabian patent application was filed on November 5, 2000 and given Serial No. 00210496. A Thailand patent application was filed on August 16, 2000 and accorded Serial No. 059719. A Taiwan patent application, Serial No. 89116546, was filed on August 16, 2000. A Uruguay patent application was filed August 16, 2000 and accorded Serial No. 26299. A Venezuela patent application, Application No. 2000-001795, was filed on August 16, 2000. A Peru patent application was filed on August 16, 2000 and accorded serial number 000844/2000.

5. The subject matter contained within the international patent applications referred to above has not at any time, including at the time of filing, been under a secrecy order.

6. At the time that the international patent applications were filed, it was believed, without deceptive intent, that no additional foreign filing license was required because a foreign filing license was obtained in relation to the '280 parent application. Upon notification from our outside patent counsel that a foreign filing license from the '843 application may be required for proper filing of the aforementioned international patent applications, we immediately proceeded with the process of seeking a retroactive foreign filing license.

7. The undersigned hereby declares that the foregoing statements are made from personal knowledge and are true and that all statements made on information and belief are believed to be true. Further, these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above-referenced application or any patent issued thereon.

Date: 21 September 2001


Donald J. Silvert, Ph.D.